

### REMARKS

With the addition of claim 24, claims 12-24 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration. Claim 12 has been amended. No new matter has been added.

It is believed that this Amendment does not raise new issues that would require further consideration and/or search, and this Amendment also does not raise the issue of new matter. It is also believed and respectfully submitted that this Amendment places the application in better form for appeal by materially reducing or simplifying the issues for appeal. Entry of both the foregoing addition and amendment to the claims is therefore requested.

Claims 12-23 stand rejected under 35 U.S.C. § 112, first paragraph, for non-compliance with the written description requirement. In particular, the Final Office Action indicates that the term "at least one of into and out" is unsupported. Claim 12 has been amended to recite that the pumping cell pumps oxygen into or out of the measuring gas compartment. It is submitted that this amendment to claim 12 removes the cause for rejection of the claims under 35 U.S.C. § 112, first paragraph.

Claims 12-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Final Office Action asserts that certain terms in independent claim 12 render claim 12 indefinite. Without necessarily acquiescing in the position taken by the Examiner, claim 12 has been amended substantially in accordance with the Examiner's suggestions, removing the cause for rejection of claim 12 under 35 U.S.C. § 112, second paragraph.

Claims 12-23 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by Kato et al., U.S. Patent No. 5,672,811.

Independent claim 12, as amended, recites a device for determining a concentration of oxidizable gas components in a gas mixture having the feature that the device includes no more than one measuring gas compartment. Kato discloses a NO<sub>x</sub> sensor that includes two internal spaces, in the first of which an oxygen concentration is maintained so as not to convert NO<sub>x</sub> gas, and in the second of which the oxygen concentration is maintained at a level that enables NO<sub>x</sub> gas reduction. See e.g., Kato, col. 3, lines 16-30; col. 15, line 63 to col. 16, line 1. Since Kato discloses a sensor having two distinct chambers, it fails to disclose what is claimed, namely, a sensor having no more than one measuring gas compartment. This distinction is significant at least for the reason that the device according

to the present invention achieves the objective of detecting reducable gas components using a single measuring chamber and does not require further chambers and inter-chamber channels, which add complexity to the device design and manufacture.

As Kato does not disclose each of the features of independent claim 12, it is respectfully submitted that claim 12, and claims 13-23 which depend from claim 12, are allowable over Kato.

New claim 24 recites a method for determining a concentration of oxidizable gas components in a gas mixture using an electromechanical gas sensor that includes, *inter alia*, the step of applying a pumping voltage to the at least one electrochemical pumping cell via the circuit such that a partial pressure of oxygen in the measuring gas compartment corresponds to a lambda value of  $\geq 1.3$ . As discussed in the previously-submitted response, Kato does not in any way disclose or refer to applying a pumping voltage to the at least one electrochemical pumping cell such that a partial pressure of oxygen in the measuring gas compartment corresponds to a lambda value of  $\geq 1.3$ . It is therefore submitted that claim 24 is also allowable over Kato.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

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Dated: 10/1/03

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